

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 07-cr-227-01-SM

Sylvia Casto

O R D E R

The government's motion to continue the final pretrial conference and trial is granted (document 19). Trial has been rescheduled for the July 2008 trial period .

The Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(8)(B)(iv), in that the government's uncontroverted proffer establishes that the defendant absented herself from this district in contravention of the express terms of her pretrial release, and , having been apprehended in Florida, she remains in transit (in custody) to this district to face appropriate charges. It is apparent that she was not present in this district on the date set for jury selection due to her own misconduct. In addition, the failure to grant a continuance would unreasonably deny defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence under the circumstances, and, jeopardy not having attached, the trial could not have proceeded in her absence in any event. The motion for continuance is granted,

nunc pro tunc to June 2, 2008. The following revised schedule is hereby adopted as an order of the court:

Final Pretrial Conference: July 1, 2008 at 4:00 p.m.

Jury Selection: July 8, 2008 at 9:30 a.m.

SO ORDERED.



Steven J. McAuliffe
Chief Judge

June 5, 2008

cc: Bjorn Lange, Esq.
William Morse, AUSA
US Probation
US Marshal